SENTENCE OF THE COURT-MARTIAL HAS BEEN CARRIED OUT.

Pacifier of Samar, One of the Bravest Officers of the Army, Admonished by the President.

ALSO RETIRED FROM SERVICE

BECAUSE HIS CONDUCT WAS NOT A GOOD EXAMPLE TO OTHERS.

Sixty-Two Years Old, and Therefore Subject to the President's Wish in Regard to Retirement.

TWO REVIEWS OF THE CASE

SECRETARY ROOT'S RESUME AND THE PRESIDENT'S APPROVAL.

Gen. Smith's Verbal Instructions to Waller Indiscreet-Duty of Officers in Command of Troops.

WASHINGTON, July 16 .- Secretary Root brought from Oyster Bay the case of Gen. Jacob H. Smith, tried by court-martial at Manila on account of orders issued to Major Waller. General Smith was found guilty of the charges by the court and sentenced to be admonished by the reviewing authority. The President has so admonished General Smith and retired him under the law which provides that officers having reached the age of sixty-two years may be retired at will by the President. Secretary Root supplements the reprimand of President Roosevelt in a long circular, in which | that General Smith has served his country he explains the conditions which resulted in the court-martial of General Smith and shows that, although General Smith issued the "kill and burn" order, as a matter of fact very few persons were killed as a result of that order, the casualties being confined almost wholly to the eleven natives killed under Major Waller's direction.

Following is the text of the President's

"White House, Washington, July 14. "The findings and sentence of the court are approved. I am well aware of the danger and great difficulty of the task our army has had in the Philippine islands and of the well-nigh intolerable provocations it has received from the cruelty, treachery and total disregard of the rules and customs of civilized warfare on the part of its foes. I also heartily approve the employment of the sternest measures necessary to put a stop to such atrocities and to bring this war to a close. It would be culpable to show weakness in dealing with such foes or to fail to use all legitimate and honorable methods to overcome them. But the very fact that warfare is of such character as to afford infinite provocation for the commission of acts of cruelty by junior officers and the enlisted men must make the officers in high and responsible positions particularly careful in their bearing and conduct so as to keep a moral check over any acts of an improper character by their subordinates. Almost universally the higher officers have so borne themselves as to supply this necessary check, and with but few exceptions the officers and soldiers of the army have shown wonderful kindness and forbearance in dealing with their foes. But there have been exceptions; there have been instances of the use of torture and of improper heartlessness in warrare on the

part of individuals or small detachments. In the recent campaign ordered by General Smith the shooting of the native bearers by the orders of Major Waller was an act which sullied the American name and can be but partly excused because of Major Waller's mental condition at that time; this mental condition being due to the fearful hardship and suffering which he had undergone in his campaign. It is impossible to tell exactly how much influence language like that used by General Smith may have had in preparing the minds of those under him for the commission of the deeds which we regret. Loose and violent talk by an officer of high rank is always likely to excite to wrongdoing those among his subordinates whose wills are weak or whose pas-

"General Smith has behind him a long career distinguished for gallantry, and, on the whole, for good conduct. Taken in the full, his work has been such as to reflect credit on the American army and therefore on the Nation, and it is deeply to be reretted that he should so have acted in this fulness in the army. I direct that he be retired from the active list "THEODORE ROOSEVELT."

# SECRETARY ROOT'S REVIEW.

### Conditions Which Resulted in the Court-Martial Explained.

Following is the review of Secretary Root, under date of the War Department, Washington, July 12:

"To the President: I transmit herewith the proceedings on the trial of Brig. Gen. Jacob H. Smith by court-martial convened under your orders dated April 21, 1902, and now brought before you as reviewing au-

"General Smith was found guilty of conduct to the prejudice of good order and military discipline in that he gave, in the fall of 1961, to Major L. W. T. Waller, of the marine corps, then serving with a battallon of marines under his orders as commander of the Sixth separate brigade in Samar, the following oral instructions: 'I want no prisoners. I wish you to kill and burn, the more you kill and burn the better you will please me, and further that he wanted all persons killed who were

capable of bearing arms and in actual hostilities against the United States; and did. in reply to a question by Major Waller asking for an age limit, designate the limit as ten years of age.

"The court sentenced him to be admonished by the reviewing authority; and the court appended to the sentence the following explanation: 'The court is thus lenient in view of the undisputed evidence that the accused did not mean everything that his unexplained language implied; that his subordinates did not gather such a meaning, and that the orders were never executed in such sense, notwithstanding that a desperate struggle was being conducted with

a cruel and savage foe.' CONVICTION WAS JUST.

"An examination of the evidence has satisfied me that the conviction was just, light sentence imposed are sustained by the facts. General Smith, in his conversation with Major Waller, was guilty of retained. intemperate, inconsiderate and violent expressions, which, if accepted literally, governing American armies in the field, ing disgrace on the military service of the United States. Fortunately they were not taken literally and were not followed. No women or children or helpless persons or

death in pursuance of them. "An examination of the record and proceedings on the trial of Major Waller, which imediately preceded those of General Smith, shows that the instructions in question bore no relation to the acts for which Major Waller was tried, and be worn upon different occasions, and also were not alleged by him as justification gives the minor changes in the detail of causing certain natives, who had acted as | board.

bearers or guides of one of his expeditions, to be put to death for treachery,

for base treachery, revolting cruelty and the conditions of serious danger which followed it did not approach the massacre af Balangiga, in Samar, in September, 1901. There the natives had been treated with kindness and confidence, liberty and self-government had been given them. Captain Connell, the American commander, was of the same faith and had been worshiping in the same church with them. With all the assurance of friendship our men were seated at their meal unarmed among an apparently peaceful and friendly community when they were set upon from behind and butchered, and their bodies when found by their comrades the next day, had been mutilated and treated with indescribable indignities. Yet there was no such severity by American soldiers in Samar as General Sherman proposed towards the Sloux after Fort Phil Kearney. "It is due, however, to the good sense and self-restraint of General Smith's subordinates and their regard for the laws of war, rather than to his own self-control and judgment that his imperative and unjustifiable verbal instructions were not followed, and that he is relieved from the indelible stain which would have resulted from a literal compliance with them "It is the duty of a general officer whose age and experience have brought him to high command not to incite his subordinates to acts of lawless violence, but to so explain to them the application of the laws of war and the limitations on their conduct as to prevent transgressions upon their part and supplement their comparative inexperience by his wise control. In this, General Smith has signally failed, and for this he has been justly convicted. Although the sentence imposed is exceedingly light, it carries with it a condemnation which, for an officer of his rank

country, I recommend that the mild sentence imposed be confirmed. "Should you approve the findings and sentence of the court in accordance with this recommendation, I feel bound to say further that in view of the findings and sentence, and of the evident infirmities which have made it possible that the facts found should exist, it is no longer for the interest of the service that General Smith should continue to exercise the command of his rank. His usefulness, as an example, guide and controlling influence for the junior officers of the army is at an and as he is already upwards of sixty-two years of age, I recommend that you exercise the discretion vested in you by law and now retire him from active

and in the war with Spain, and is about

concluding a long and honorable career

as a faithful and loyal servant of his

'ELIHU ROOT, Secretary of War."

Constables Attacked by Ladrones.

MANILA, July 16 .- General Chaffee, who was recently relieved from his duties as military governor, will start for home by way of Suez, probably on the United States transport McClellan, which is due at New York early in December.

REPORT OF THE ARMY BOARD AP-PROVED BY THE PRESIDENT.

Service to Have New Dress Suits and New Overcoats.

WASHINGTON, July 16 .- While Secretary instance to interfere with his further use- | Root was at Oyster Bay the President conwhen officers of the army are to be equipped according to the new regulations. Officers serving in the Philippines will be allowed to wear the old uniforms during their service there.

with the rank designated on the sleeve in-

a sack coat of woolen or cotton material of an olive drab color, with trousers to match. It is intended to provide suits row, as the majority of the freight handlers which can be worn in cold weather that are almost a duplicate of the present khaki tropics. A new design for the overcoat is adopted and is the only overcoat allowed. It is a double-breasted ulster of olive drab woolen material. This overcoat is to replace the old dark blue overcoat now worn. General and staff officers are to have ful! dress trousers with gold lace as a stripe, officers of the line wearing the present stripe to designate the service. Breeches are provided for all officers and men, whether mounted or dismounted, although trousers may be worn in barracks. Service breeches also are provided to fit closely be-

The chapeau is retained for general officers and officers of the staff department. to be worn with full-dress uniform, but not to be worn when mounted. A new full-dress cap is provided, differing considerably from the present cap in design and trimmings. Service caps also are approved and the helmets are retained, as

now used with the khaki uniform will be A new pattern of saber has been adopted for all officers, in place of the sword now in use. Russett leather leggings are provided would grossly violate the humane rules for all officers to be worn with the service uniforms, but canvass leggings can be worn in the field. The button is of a new de-

sign, to be of two sizes, and is slightly convex. It will have the coat of arms of the United States upon it. A full-dress coat for officers for evening wear has been provided, cut swallow-tail, but otherwise much like the other fullnoncombatants or prisoners were put to dress coat. The old dress coat for enlisted men has been abandoned and the dress blouse substituted. The chevrons on the

without proper trial; and he defended his action not on the ground of any orders received from General Smith, but on the

ground that as a commanding officer he was justified. "General Smith's written and printed orders, and the actual conduct of military operations in Samar, were justified by the istory and conditions of the warfare with the cruel and treacherous savages who inhabited the island, and their entire disregard of the laws of war; were wholly within the limitations of general order No. 100 of 1862; and were sustained by precedents of the highest authority. Thus, in 1779, Washington ordered General Sullivan, in the campaign against the Six Nations, to seek the total destruction and devastation of their settlements. He wrote, 'But you will not, by any means, listen to overtures of peace before the total ruin of their settlements is effected. \* \* \* Our future security will be in their inability to injure us, the distance to which they are driven, and in the terror with which severity of the chastisement they receive will THE BALANGIGA MASSACRE. "The Fort Phil Kearney massacre in 1866,

and age, is really a severe punishment. For this reason and for the further reason long and faithfully, has exhibited high courage and good conduct in many battles, has been severely wounded in the civil

MANILA, July 16 .- A hundred ladrones, armed with rifles and bolos attacked and defeated eight of the constabulary near San Mateo, Manila province, Tuesday. The losses of the constabulary were one man wounded and five men missing. The con-

### stabulary have asked for reinforcements of a hundred men to pusue the ladrones.

Chaffee to Return via Suez.

Officers in the United States Military

Among the changes are the following: The full dress coat is about the same as at present, save the buttons are more spreading with ornamentations on the sleeve and stead of the shoulder knot. The new dress coat will be what has been called the dress

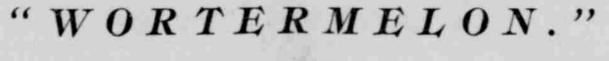
low the knee, extending to the top of the

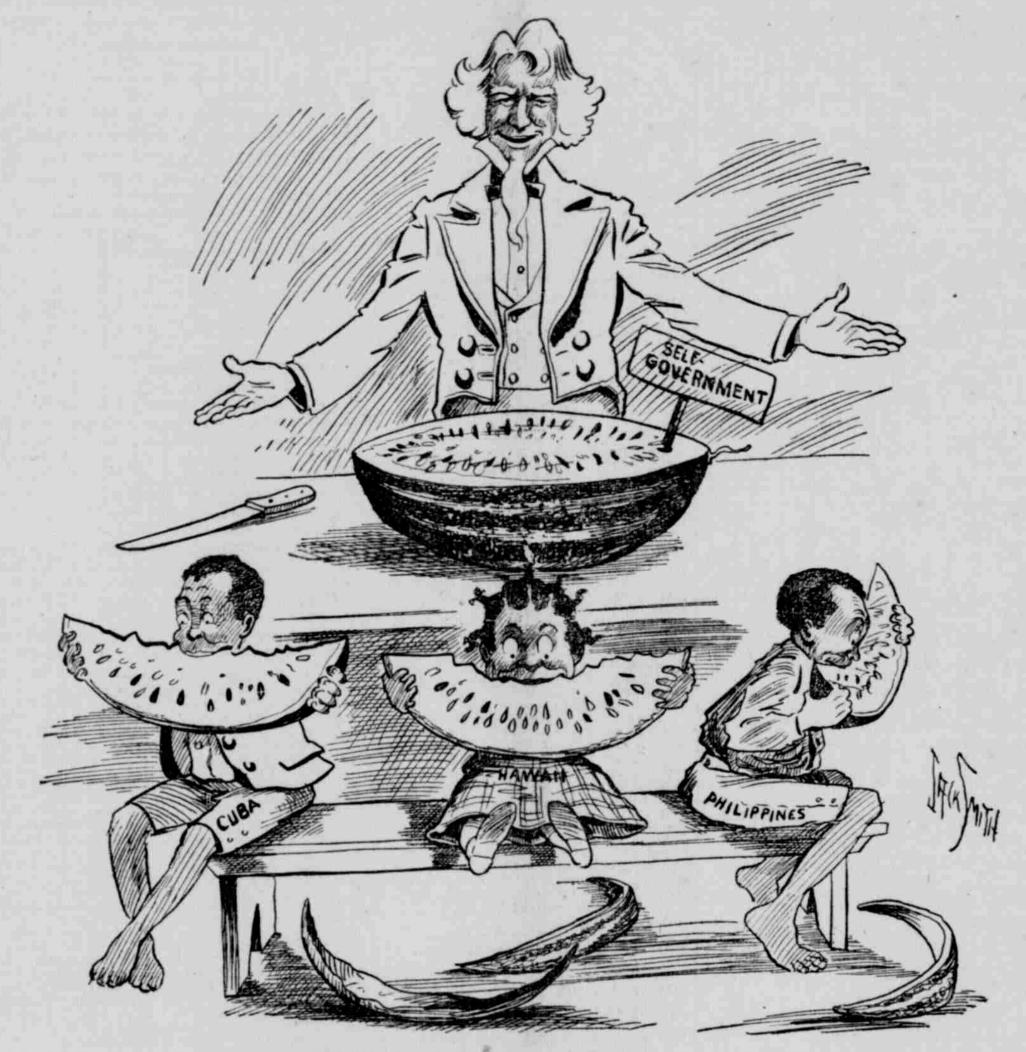
der straps are to be used only on the dress coat. On the service uniforms the straps by President Curran, this morning resulted

also are the present campaign hats. Shoul-

noncommissioned officers are to be worn

The order contains full and complete directions as to what kind of uniforms shall for those acts. Major Waller was tried for the uniform that have been made by the





UNCLE SAM-How they go for it.

CHICAGO FREIGHT HANDLERS HAVE RETURNED TO WORK.

Failed to Secure Any of the Important Concessions Demanded, Except an Increase in Wages.

MERCHANTS OUT \$10,000,000

AND THEY ARE PREPARING TO GUARD AGAINST FURTHER LOSSES.

Organizing a Campaign Against Sympathetic Strikes-Treachery Alleged by the Strike Leader.

CHICAGO, July 16 .- Renewed activity on the part of Chicago's business men followed the settlement of the freight handlers' and teamsters' strike to-day, and at the close of business hours to-night thousands of tons of freight had been sent to and from the various freight depots. Every one of the 24,000 strikers who could obtain employment had returned to work by 2 o'clock in the

The strike, it is estimated, cost the business men of Chicago \$10,000,000, and in order to guard against such a contingency in will be asked to forego the use of this which suffered through the strike will join in pledging themselves, it is said, not to antee them against these strikes. On the other hand, the labor unions are fighting to secure the right to abrogate agreements for the purpose of ordering sympathetic

The freight handlers blame the national officers of the teamsters for the loss of the strike. They declare that the strike shows the necessity for incorporating in all agree ments a reservation which will permit

Credit for the settlement rests with the State Board of Arbitration. It was the adoption of the suggestion by that board which led to the action of the Freight Handlers' Union in declaring the struggle A new uniform is provided consisting of | with the railroads at an end. At the same time, it is probable that even had the state board not made its suggestions, the fight would have been practically over to-morhad returned to their work before the mass meeting, at which the strike was called off officially, had convened. It was a knowl edge of this fact that had much to do with the action taken by the union. However, the proposition made by the State Board of Arbitration enabled the freight handlers to retire gracefully from the field and prevented any hard feeling resulting from the

struggle. RAILWAY MEN'S STATEMENT. The Association of Railway General Managers, embracing every road which enters Chicago, to-day issued the following signed

"All of our old men not before on hand for work reported at the freight houses at conference was held with any committee or otherwise since Tuesday, and no agreement was made with the union or with any committee. The men simply reported for work the pay offered July 1, and which the railroad companies have been willing all along

A meeting of the strikers, presided over in an almost unanimous vote to return to questions for settlement between the men and their respective roads. At the conclusion of the meeting the strikers went by hundreds to the warehouses to apply for their old positions and the teamsters who have remained out in sympathy again took up their reins. By noon immense quantities of freight which had been held back for days was being pushed to the railroads or taken from warehouses and cars. Where stagnation had ruled commercial activity again reigned. Chicago merchants expressed unbounded relief at the termination of hostilities, but they were scarcely less happy than the men themselves, although the strike is estimated to have cost them \$10,000,000, to say nothing of the trade that has been permanently lost to them.

CURRAN'S SPEECH. The little hall where the meeting of the strikers took place was jammed to suffocation, and thousands were unable to obtain success.

entrance. It was a brief meeting, only long enough for an angry speech by Curran and the vote which followed. said Curran, "we came out like men; we have acted like men, and we should not go back like sheep, but there has been treachery in our camp. Yesterday, when was about to use the telephone, the wire got crossed and I heard one of the mem-

Drivers' Union have not kept faith either. and it seems useless to continue the fight any longer. Shall we go back and ask for our old jobs?" In this simple form the matter was put to a vote, and almost immediately a great chorus of yes had brought to a peaceful end one of Chicago's most serious and threatening labor situations. Mr. Curran, n the course of his address to the men, said: "I am going to organize the freight

handlers all over the country and when we

decide to fight again it will not be a strug-

bers of our executive committee talking

with a railroad manager. He was encour

aging the manager to hold out, for he told

him that the strike was almost broken.

That is a sample of the faith that has been

kept with me. The officials of the Truck

gle between the freight handlers in Chicago and the railroads, but between the railroads and the freight handlers all over the The proposition accepted by the men was, in effect, the one given to President Curran by the State Board of Arbitration earlier proper form was not placed before the men.

in the day, although the proposition in its The proposition follows: "The Illinois State Board of Arbitration after a thorough investigation of the present freight handlers' strike in Chicago and of the complications which have grown out of that strike, recommends to the officers and members of the five local unions of the Interior Freight Handlers' and Warehousemen's Union of America that the men return immediately to their respective places of employment and apply for the positions held by them previous to the strike. We further recommend that the employes of each of the several railroads appoint committee to confer with the management of the railroad by which they are employed for the purpose of adjusting exist-

# ing difficulties."

Street-Railway Lines Tied Up. RICHMOND, Va., July 16 .- A general strike of all the street-railway employes the future they are preparing to inaugu- of Richmond is on. The men demanded a rate an educational campaign in opposition | nine-hour day and a uniform rate of 200 to the sympathetic strike. The labor unions | an hour. The strike involves about 600 motormen and conductors of the Consolipotent weapon. The business interests dated Power Company, controlling the entire system in and around Richmond. he men held a meeting late to-night and it was agreed to take the cars out at sign union agreements which do not guar- | 6 o'clock to-morrow morning and to submit the differences to arbitration, the arbitrators to agree by to-morrow evening, otherwise the strike will be declared on again.

LET GO HIS CORN CORNER JUST IN TIME TO AVERT LOSS.

May Yet Suffer Before He Markets the 5,000,000 Bushels He Has Left Over.

CHICAGO, July 16 .- The July corn corday, nothing being done in the deal so far as the Harris-Gates people were concerned. It was developed to-day that the shorts this decision and express his willingness to are not yet all in. A few small ones began covering at the opening of 'Change and made the opening quotations somewhat erratic between 631/2 and 66 cents. Later the price settled back to 6514c and closed at

The wisdom of the bull leaders in abanof its natural termination was shown when noon to-day and were put to work. No the inspection sheet was posted, showing fresh receipts of 453 cars on Chicago sidetracks. Of this total, 145 cars were con- shall indorse the principles of this platform tract grade, which the leaders would have and they doubtless expect and will receive been obliged to take as a means of supporting the July price. Otherwise, it would | voted to State issues. have been bought in the open cash market by shorts and turned in to the Harris-Gates Spooner plank, a resolution indorsing office in settlement of contracts. There work, leaving the wage scale and other | were also 171 cars of the contract grade "made" in the different cleaning and drying houses, making about 500,000 bushels of the contract grade from all sources. Being out of the deal, the bull leaders were | Cries of "Sit down!" were heard, mixed relieved of the unpleasant necessity of tak- | with cheers of approval. ing care of this vast quantity of corn. The cash market was firmer than the day before, though not particularly brisk. Almost everybody about the board had a place restrictions on any man desirous of ifferent theory to exploit as to the winnings or losses of the Gates syndicate. A of Wisconsin. General Winkler, a leading consensus of the best opinion, however, was stalwart of Milwaukee, made an impasthat the syndicate was nominally a little ahead on its deal as to the July delivery, but stood to suffer a substantial loss in the marketing of its 5,000,000 bushels or so of the majority insisted that he stand on the cash corn which it had been forced to accumulate. In view of this fact and the strong probabilities that this corn cannot be profitably disposed of, the corner, as a whole, is not looked on as an unqualified | stood adopted. A. R. Hall, of Dunn county,

WISCONSIN REPUBLICAN CONVENTION CONTROLLED BY LAFOLLETTE.

Six Hours Speni by the Resolutions Committee in Wrangling Over the Spooner Plank.

SUBMITTED

MAJORITY DECLARATION ADOPTED AFTER RECONSIDERATION.

Practically Demands that Senator Spooner Make His Race for Re-Election on State Issues.

MADISON, Wis., July 16 .- Gov. Robert M Lafollette carried the day in the state Republican convention, which was the most exciting political gathering ever held in the State. His adherents succeeded in piloting through the convention to-night a platform to his liking. While the planks favoring primary elections and equalization of taxation were not to the stalwarts' liking, they stood for them and waged the battle against the Spooner plank, which practically called on the senator to stand upon the principles laid in the platform. After a in September. The President will leave wrangle of six hours in the committee on | Oyster Bay Aug. 22 and will visit all of the resolutions, which was interrupted by con- New England States on that journey. The ferences of each side, the committee de- New England trip will take about ten days, dorsing Senator Spooner unconditionally After a very heated discussion in the conchaos, the majority report was adopted, the final vote being 768 to 279. The platform

reads, in part: "We reaffirm our support of the princi- | important stop will be Detroit, to which ples of the party as expressed in the last national platform and as loyally exemplified in the policies and the administrations of William McKinley and Theodore Roosevelt. Lamenting the enduring loss to the country in patriotism and statesmanship through the untimely death of President McKinley, we testify our confidence in the ability of his successor fully to administer the high trust, and we record our appreciation of his splendid courage and enduring integrity made manifest in his official

"We approve of the public service of wise representatives in both houses of Congress and we especially commend the official career of the Hon. John C. Spooner, who by his notably able, conservative and patriotic course upon questions of national and international importance, has become recognized as the leader of the United States Senate. We again express our regret for his announced determination not to serve the State another term in the Senate and should he now find it possible to reconsider stand as a candidate in harmony with the sentiments and in support of the platform of principles here adopted by Wisconsin Republicans, and for the election of a Legislature favorable to their enactment into law, his decision would meet the general approbation of Republicans everywhere, and we pledge him the enthusiastic support of the party for his re-election to the high position which he has filled with such distinguished ability and such honor to the State and Nation. And in case Senator Spooner shall not find it possible to again be eligible for United States senator, we demand that all candidates for this position and favor the election of a Legislature pledged to enact these principles into law. The remainder of the platform was de-

N. J. Wallrich, of Shawano, presented as a minority report, in lieu of the regular Spooner unconditionally. The name of Spooner was heartily applauded. In presenting the minority report Mr. Wallrich made a strong plea for its adoption. Senators Riordan and Roehr also spoke for the adoption of the minority report. This was followed by five minutes of chaos. John Blaine, of Grant county, insisted that Spooner should stand on the platform; that this convention is supreme and can an office at the hands of the Republicans sioned plea for Spooner. National questions, he said, engage Seantor Spooner. Others, in fact all, were for Spooner, but

A motion to adopt the minority report majority report as presented therefore one of Lafollette's leading supporters, took

### the floor and spoke in favor of reconsidering the vote on the platform. The vote to reconsider was carried-696 to 346. The majority report was, upon reconsideration, adopted by a vote of 768 to 279. The convention adjourned until to-morrow morn-

Texas Democratic Ticket.

K. Bell, of Tarrant, attorney general; B

Robbins, of Wilbarger, treasurer; J. .

land office; Arthur Lefevre, of Victoria,

superintendent of education; E. B. Colquitt,

of Kaufmann, railroad commissioner; F. A.

Williams, of Houston, associate judge of the

Supreme Court, and W. L. Davidson, of

Williamson, judge of the Court of Criminal

Appeals.
The platform indorses the Kansas City

declaration and denounces imperialism and

silver was not specifically mentioned.

trusts and asks for laws to prevent the issuance of free passes. Bryan or free

all save H. G. Hay, for treasurer, being

a renomination: Governor, De Forest

Richards; auditor, Leroy Grant; secretary of state, Fennimore Chatterton; superintendent of public instruction, T. T. Tynan;

First judicial district, Richard H. Scott;

The platform indorses the "progressive and patriotic administration of President

Roosevelt" and expresses satisfaction in

the recognition and assistance he has given

the West. Conspiracies and combinations

intended to restrict business are con-

demned and the enactment of legislation

Candidate for Supreme Judge.

COLUMBUS. O., July 16 .- The recent

death of Chief Justice Williams necessitates

the election of a supreme judge to fill the

unexpired term from Nov. 4, 1902, to Feb.

committee met to-day and nominated Judge

W. B. M. Crew, of McConnellsville, candi

date for supreme judge on the state ticket

for the short term to fill the vacancy. It

campaign until after the adjournment of

the extra session of the Legislature called

Congressman Lacey Renominated.

DES MOINES, Ia., July 16.-J. F

Lacey was nominated for the seventh time

to-day by the Republicans of the Sixth

ARRESTED BY REBELS.

Officers of the Cruiser Cincinnat

Made Prisoners in Venezuela.

SAN JUAN, P. R., July 16.-Lieut. Com.

James C. Gillmore and Ensign Andrew T.

Graham, of the United States cruiser Cin-

cinnati, which was at Laguayra on July 8.

with three others, were arrested by Ven-

ezuelan revolutionists while going from

Laguayra to Caracas. The officers protest-

ed against being held as prisoners, and,

to be founded on good authority, that Pres-

ident Castro, of Venezuela, will be over-

whelmed within two weeks. President Cas-

Twenty-four persons were killed by

PLANS OF THE PRESIDENT

ITINERARY OF THE NEW ENGLAND

AND NORTHWESTERN TRIPS.

Detroit to Be Visited by Mr. Roosevelt

on Sept. 22 and Indianapolis on

the Day Following.

WASHINGTON, July 16 .- Secretary Geo.

B. Cortelyou was at his desk in the

temporary White House to-day. Mr. Cor-

shell which fell in Caracas recently.

tro took the field against the revolutionists

It is believed here, and the opinion is said

with their companions, were released.

congressional district of Iowa.

was also decided to defer the opening of the

to kill the trusts is urged.

for Aug. 25.

Second district, Charles E. Carpenter.

THAT SEEMS TO BE THE SENTIMENT GALVESTON, Tex., July 16 .- The State OF INCOMING DELEGATES.

Instead of General Suspension of M. Love, of Limestone, controller; J. M. Work, It Is Thought a Big Defense

### GREATEST LABOR CONVENTION

PRESENT GATHERING SO CHARAC-

Wyoming State Officers to Run Again. RAWLINS, Wyo., July 16.-Immediately after the Republican state convention met ever, to Express an Opinion as to-day the following ticket was nominated,

# treasurer, H. G. Hay; chief justice of the Supreme Court, C. N. Potter; judge of the

THAT NUMBER WILL PROBABLY SIT

Expressions Secured from the Leading Men of Many State Delegations

14, 1903, and the Republican state central The decision of the special convention of the United Mine Workers which meets in Tomlinson Hall at 10 o'clock this morning is being anxiously awaited by all the industrial world. The general sentiment expressed by the delegates and officers who arrived yesterday was that there will be no strike throughout the bituminous field in sympathy with the anthracite strikers and those in the bituminous field of West Virgina, but instead a big defense fund will be pledged to help the strikers win. Few delegates are instructed how to vote and will cast their ballots at their own discretion. Of the seven hundred or eight hundred delegates that arrived yesterday only one man was found who would say he had been instructed to vote for a general suspension of work. He was W. F. Williams, president of the Michigan district. He carries five votes, but says he is bound to cast but one for a strike. Nearly all of the miners except strikers are working under contracts,

MITCHELL NOT TALKING.

telyou will remain here several days and to the public. will then take his family away for a vacation. The vacation will be the first of any length he has taken in several years. Secretary Cortelyou has completed the itinerary of two trips to be made by President Roosevelt, one to the New England States in August and the other to the Northwest cided to bring in two reports. The minority and the President will be back in Oyster Thomas Duffy and John Fahey. Mr. report consisted of but one resolution, in- Bay about the 1st of September. He will Nichols refused to discuss the situation, will leave on his Northwestern trip. This trip will last two weeks and four days, and will take in many places in the Northwest. The President will stop first at Cincinnati on his way out, and then his next most

> the other organization of the Spanish war veterans. This will be on the day following his visit to Detroit President Roosevelt has not decided upon the date of his Southwestern trip, the one which will take him into Texas. October Cortelyou has not yet begun arrangements in this direction, and some doubt is expressed as to whether the trip can be arranged for this fall.

place he goes to attend the convention of

Detroit the President will go to Indian-

apolis to attend the meeting in that city of

# The Tax on Legacies.

WASHINGTON, July 16 .- The commiseral instructions to collectors in relation to the tax on legacies under Section 3 of the act of June 27, 1902. Under the commissioner's instructions remaindermens and reversionary interests which did not abso-July 1, 1902, are not subject to tax under this act. Where the decedent died prior to July 1, 1902, and the distributive shares or legacies absolutely bequeathed were not distributed to the beneficiaries on or before July 1, on account of time allowed by state laws to settle the estate and distribute the personal property, or on account of litigation, such legacies and distributive shares are subject to tax.

Where the decedent died prior to July , 1902, and the property was left in trust by the will, but had not been turned over to the trustee before July 1, 1902, legacy tax will not accrue. In case the personality was turned over to the trustee before that date it is held that said personality is absolutely vested in possession or enjoyment of the beneficiary within the meaning of the statute.

# Cuban Claims Commission Ruling.

WASHINGTON, July 16 .- The Spanish Treaty Claims Commission, before adjourning to-day, rendered an important decision in the matter of claims of American citizens for the destruction of property by the Cuban insurgents. To all this class of claims the government had set up demurrers which the decision of the commission overruled, the decision laying down the general principle that where proper averment is made alleging the American citizenship and neutrality of the claimant and the ability and duty of the Spanish authorities to protect property, the claims should be admitted for proof. The commission also decided that no legal state of war was lost by a vote of 7091/2 to 3531/2. The existed in Cuba during the insurrection prior to the Spanish war. Claims aggregating about \$16,000,000 are involved in this

### Democratic convention nominated the foilowing ticket this afternoon: S. W. T. Lanham, of Parker, Governor; George D. Neale, of Grimes, Lieutenant Governor; C.

## Fund Will Be Authorized. Terrell, of Wise, commissioner of general

TERIZED BY MITCHELL.

He Has Consistently Refused, Howto Its Outcome.

## THOUSAND DELEGATES

IN TOMLINSON HALL TO-DAY.

-Michigan Man Instructed.

and it appeared that the unanimous expression yesterday was against breaking them.

President John Mitchell arrived from Chicago yesterday morning. "I have never expressed my opinion concerning a general suspension of work," said he, "and I will say nothing until the convention is in session. The situation in the anthracite field is satisfactory and I feel as confident the miners will win as when the strike began. We are in this contest to stay, and the miners will support any measure to insure success. I cannot say what the convention will do. The decision rests with the delegates entirely, and I know no more about the result than you. In my opinion, this will be the greatest labor convention ever

The convention will be divested of all preliminaries and ceremony and will at once get down to business for which it was called-to decide whether or not there shall be a general coal strike. It is probable that the convention will be open. Many of the officers oppose executive sessions because the information reaches the public just the same, and there seems to be a desire to throw open the doors in order that there can be no mistake made in presenting the miners' side of the controversy

The lobby of the Occidental Hotel yesterday presented the appearance of a political convention. Miners from all parts of the United States met and shook hands and generally inquired into the situation, particularly concerning the attitude of other miners toward a strike. Most of the anthracite officers and delegates arrived yesterday evening, including the three anthracite district presidents, T. D. Nichols, other than to say the anthracite men are out to stay until concessions are granted. and was unable to state how they would vote. Mr. Duffy and Mr. Fahey were also

ANTHRACITE MINERS' ATTITUDE. From the opinion expressed by the delegates it is believed that the anthracite the Spanish war veterans on Sept. 22. From miners will not push the general strike question, but will remain neutral and let the bituminous miners decide what they will do for them. Said one delegate: "All we are asking is the hearty support of the United Mine Workers and such assistance as is necessary to win the hard-coal strike, was the month first planned, but Secretary | If that assistance is a defense fund the anthracite men will accept it, and if it is a general strike they will do all they can to bring it to a speedy termination both in the hard and soft coal districts. What we want is help in a prolonged struggle, which seems probable in our district, and I feel confident that the bituminous men will do all they can for us. The majority of our delegates seem to think it would not be proper for us to vote for a general suspension of work because we are on strike, but, instead, should present our case and accept what they think advisable to give." tuminous district of Indiana, said;

George Hargrove, president of the biare against breaking any contracts. We have very satisfactory contracts in our districts and I hardly believe the minera will favor breaking them. Our organization is in fine shape, and we are prepared to give any assistance to the hard-coal men that may be asked. Few, if any, of our delegates are instructed, but I think they are about all of the same opinion. However, whatever may be the action, we will be governed by the rule of the majority." BLOCK COAL DISTRICT.

James Cantwell, president of the block coal district of Indiana, said: "Our delegates are not instructed. They come to this convention with discretionary power and will cast their ballots as they see fit. We have contracts with our operators till the first of April and I hardly believe our delegates will join in any radical action. I do not know personally how the delegates stand, but I am sure they will do nothing cetrimental to the organization. W. R. Fairley, board member from Ala-

always there. We are prepared to take any action the convention decides. We have settled our affairs in Alabama like gentlemen and we will act like gentlemen in this convention.

bama, said: "You can say that Alabama is

George Purcell, executive board member from Indiana, who just returned from West Virginia, had little to say concerning the attitude of the miners of that State relative to a general suspension of work. "The organization there is in fine shape," said he, and that is all I know or care about knowing. Really, there seems to be little interest in West Virginia about a general suspension of work. The men there are very well satisfied with the way the strike in that State is progressing: they are satisfied with the support the national organiza-